

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6424 of 2019**

- Jailal Gupta, S/o Sitaram Gupta, aged about 24 years, R/o village Ongana, P.S. - Dharamjaigarh, District - Raigarh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Officer-in-charge, P.S. Dharamjaigarh, District Raigarh (C.G.)

---- Respondent

For Applicant	:	Shri Ashutosh Mishra, Adv.
For Respondent	:	Shri V.K. Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.130/2019, registered at Police Station - Dharamjaigarh, District Raigarh (C.G.) for the offence punishable under Sections 376 and 452 of IPC.
2. The allegation against the present applicant is that he was committing sexual intercourse with the prosecutrix, who is mentally retarded, for last five months on the pretext of marriage. Based on this, offence has been registered. The present applicant has been taken into custody on 09.08.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix is a major lady aged about 25 years and she was a consenting party to the act of the applicant. He also submits that no definite opinion

regarding commission of rape has been given by the Doctor. It is next submitted that the applicant is in custody since 09.08.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the prosecutrix is major lady, the applicant is in custody since 09.08.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge